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June 11, 2014

VIA E FILING

Jocelyn D. Boyd, Esquire
Chief Clerk and Administrator
South Carolina Public Service Commission
101 Executive Center Drive
Columbia, SC 29210

RE: Application of Sage Telecom Communications, LLC for a Designation as an Eligible
Telecommunications Carrier in the State of South Carolina
Docket No. 2014-126-C

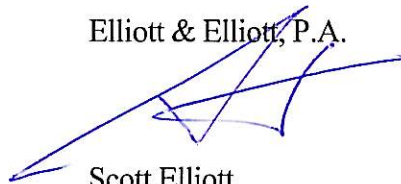
Dear Ms. Boyd:

Enclosed for filing please find a Motion for Expedited Review of the application of Sage Telecom Communications, LLC. By copy of this letter, I am serving the Office of Regulatory Staff.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.



Scott Elliott

SE/mlw

Enclosures

cc: C. Lessie Hammonds, Esquire w/enclosures
Lance J.M. Steinhart, Esquire (via email)

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of Sage Telecom Communications, LLC for
Designation as an Eligible Telecommunications Carrier
In the State of South Carolina

DOCKET NO.: 2014-126-C

PARTIES SERVED: C. Lessie Hammonds, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

PLEADING: Motion for Expedited Review

June 11, 2014


Linda B. Kitchens, Legal Assistant

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2014-126-C

IN RE:	Application of SAGE TELECOM COMMUNICATIONS, LLC for Designation as an Eligible Telecommunications Carrier in the State of South Carolina.))))	MOTION TO WAIVE HEARING AND FOR EXPEDITED REVIEW
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SAGE TELECOM COMMUNICATIONS, LLC (“SAGE” or the “Company”) filed an application for designation as an Eligible Telecommunications Carrier (“ETC”) for the limited purpose of offering Lifeline service on April 1, 2014. SAGE moves pursuant to S.C. Code Reg. 103-840 and other applicable rules of practice and procedure of the Public Service Commission of South Carolina (“Commission”) that the Commission perform an expedited review of the application. The Applicant requests that the Commission use its discretionary authority to informally dispose of the proceeding without holding a formal hearing. In support of this motion, SAGE would show the following:

1. SAGE seeks designation as an ETC throughout the service territory in South Carolina services areas to receive federal low-income universal service support for its Lifeline pre-paid wireless services.

2. SAGE published notice of the filing of the application in area newspapers as required by the Commission. The deadline for filing petitions to intervene in the proceeding was May 5, 2014. The South Carolina Office of Regulatory Staff (“ORS”) is the only intervenor in this proceeding. The Applicant and ORS have resolved all issues between them in this docket and are filing a Stipulation memorializing their agreement with the Commission. As set out in

the Stipulation, the ORS does not oppose SAGE's designation as an eligible telecommunications carrier. ORS has also indicated that it does not object to this motion.

3. SAGE, formerly known as Sage Telecom, Inc., was granted authority to provide local and long distance telecommunications services in South Carolina by Order No. 2008-4 issued January 11, 2008, in Docket No. 2007-337-C. The Commission approved SAGE's certificate of public convenience and necessity to provide local and interexchange telecommunications services and the *pro forma* internal structural change transferring the assets of Sage Telecom, Inc. to SAGE in Order No. 2013-575.

4. SAGE filed the direct testimony of Nathan Johnson on May 13, 2014, in support of the Application. Mr. Johnson is Chairman of the Board of SAGE. The testimony also describes the manner in which the Company proposes to offer Lifeline services as a wireless ETC in South Carolina pursuant to the Stipulation with ORS.

5. The parties filed a Stipulation with the Commission on June 9, 2014, agreeing to terms and conditions to be observed if the Commission approved SAGE's application. SAGE is informed and believes that there are no issues in dispute between the parties, and the Stipulation, testimony and exhibits filed with the Commission offer a complete record sufficient to form the basis for an ultimate determination in this matter.

ARGUMENT

6. The Applicant filed its application pursuant to 47 U.S.C.A. §2014(e), the implementing rules of the FCC, and 26 S.C. Code Regs. 103-690. Section 214(e) and 26 S.C. Code Regs. 103-690(C) provide that a State commission shall upon its own motion or upon request designate a common carrier that meets the requirements as an eligible telecommunications carrier for a service area designated by the State commission. Neither 47

U.S.C.A. §214(e) nor 26 S.C. Code Regs. 103-690 specifically require the Commission to conduct a formal hearing in order to make this determination. In addition, the FCC approves petitions for ETC designation without holding a formal hearing.

7. The Applicant seeks expedited review of its application on the grounds that (1) due process requirements are satisfied if the Applicant waives the right to a hearing when there is no disputed material issue of fact and (2) notice and the opportunity to present written evidence is sufficient to provide the procedural due process protection.

8. Administrative agencies in South Carolina “are required to meet minimum standards of due process. Due process is flexible and calls for such protections as the particular situation demands.” *Stono River Environmental Protection Association v. S.C. Dept. of Health and Environmental Control*, 406 S.E.2d 340, 342 (S.C. Sup. Ct. 1992); *Anonymous v. State Board of Medical Examiners*, 473 S.E.2d 870 (S.C. Ct. App. 1996) citing *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972).

The Administrative Procedures Act (“APA”) provides that “in a contested case, all parties must be afforded an opportunity for hearing after notice not less than thirty days.” S.C. Code Ann. §1-23-320(a). The provisions of the APA ensure that procedural due process requirements are satisfied. The APA also provides some flexibility to agencies regarding hearings for contested cases. “Unless precluded by law, inform disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.” S.C. Code Ann. §1-23-320(f). Notice of the Application was published as required by the Commission. Therefore, notice and an opportunity for a hearing have been provided. The Office of Regulatory Staff does not object to the motion. The Applicant respectfully requests that the Commission dispose of the proceeding without requiring a formal hearing.

9. Holding a formal hearing “is appropriate where adjudicative facts involving the particular parties are at issue. Conversely, an agency may ordinarily dispense with hearing where there is no genuine dispute as to a material issue of fact.” 2Am. Jur.2d *Administrative Law* §298. In addition, “the right to a hearing...may be waived.” 2 Am. Jur.2d *Administrative Law* §296. The Applicant is requesting the hearing be waived and there are no intervenors opposing its designation as an ETC. Therefore, there is no material issue of fact to be decided at a formal hearing.

SAGE presented information on the proposed transaction in its application and the direct testimony of Nathan Johnson. While SAGE wishes to be responsive to the Commission, it would also like to avoid the expense of a hearing and begin transacting business as an ETC as soon as possible; and therefore, requests that the Commission grant expedited consideration of this application. SAGE has consulted with counsel for ORS. ORS does not object to the request. Of course, if there are issues that the Commission believes remain unresolved, SAGE would welcome the opportunity to provide whatever information the Commission deems appropriate by whatever means the Commission desires, including the presentation of live testimony.

WHEREFORE, SAGE respectfully requests that the Commission informally dispose of the proceeding without holding a hearing and grant its request for designation as an Eligible Telecommunication Carrier.

Dated this 11TH day of June, 2014.



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